Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 965
Bill #: HB 174 HCS 1
Document ID #: 4713
Bill Subject/Title: AN ACT relating to public records and declaring an emergency.
Sponsor: Rep. Chris Freeland
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: All offices that respond to requests for open records; law enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 174 HCS 1 exempts, from Open Records law requirements, any "photographs or videos that depict the death, killing, rape, or physical or sexual assault or abuse of a person," except that that they may still be made available at the request of any party (or family or legal representative or an insurance company) involved in the underlying incident. The Act has an emergency provision allowing it to take effect upon its becoming law.

The fiscal impact is minimal. A local government responding to an open records request will not be required to produce these records except in limited circumstances, and will save expenses relating to staff time, materials, and reproduction of the records. However, a local government will lose *some* revenue derived from the "reasonable fee" it may charge under KRS 61.874 for the "actual cost of reproduction." (The fee could not include staff time involved with copying.) Fees for staff time and certain other costs may be charged for records requested in a nonstandardized format or for a commercial purpose (KRS 61.764).

As examples of typical fees, the City of Danville charges 10 cents per page for paper copies, 99 cents for an audio recording, and 99 cents for a DVD. The City of Louisville charges 10 cents per page for paper copies and \$2 for audio tape or CD. There are additional charges for color or nonstandard size copies. The actual cost for mailing is additional. Louisville may not charge for copies sent via fax, and there is charge for emailed records.

There may be minimal training related to the bill's provisions.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to HB 174 HCS 1. The fiscal impact of HB 174 HCS 1 is unchanged from that of HB 174 as introduced. HB 174 HCS 1 makes the following changes to the introduced version:

- permits the photographs or videos to be made available at the request of any party (or family or legal representative or an insurance company) involved in the underlying incident, while the introduced version did not allow them to be made available to these persons;
- deletes the references to "gruesome photograph or video";
- deletes language applying the bill's provisions to civil or criminal proceedings;
- deletes language allowing the retroactive application to videos or photographs in existence prior to the bill's effective date; and
- makes technical changes relating to the facsimile or email transmission of applications to inspect public records.

Data LRC Staff; https://www.danvilleky.org/open-records;

Source(s): https://louisvilleky.gov/sites/default/files/public_works/pdf_files/standardcopycharges.pdf

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 2/14/20